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SUBJ: RESUMPTION OF PANAMA-U.S. TREATY NEGOTIATIONS

SAO PAULO PASS TO AMBASSADOR BUNKER

FOR THE SECRETARY FROM BUNKER

SUMMARY - INTRODUCTION

THIS FIRST ENGAGEMENT WITH THE PANAMANIAN HAS COME OFF
RATHER BETTER THAN EXPECTED. A FREINDLY AND INFORMAL STYLE OF
NEGOTIATION HAS CONTRIBUTED TO PANAMANIAN FLEXIBILITY AND, THUS,
TO A LARGE MEASURE OF AGREEMENT ON PRINCIPLES, AND GENERAL
SECRET

PAGE 02 STATE 236182

TORRIJOS SENT ME WORK THAT "FOR THE FIRST TIME HE HAS FAITH AND
HOPE THAT ALL WILL TURN OUT WELL." TO SUSTAIN THIS NEW MOMENTUM
AND CARRY IT INTO THE NEGOTIATION OF ISSUES, TO ASSIST THE
GENERAL WITH HIS DOMESTIC POLITICAL PROBLEM, AND TO IMPROVE OUR
OWN POSTURE, I AM RECOMMENDING THAT WE MOVE PROMPTLY TOWARD A

JOINT PRESIDENTIAL DECLARATION ON PRINCIPLES AND, IN ADDITION THAT WE MAKE MEANINGFUL UNILATERAL GESTURE TO PANAMA IN THE IMMEDIATE FUTURE.

I.

THE PANAMANIAN REFRAINED FROM SURFACING THEIR HARD-LINE NEGOTIATORS, AND AS A RESULT OF LEISURELY CONVERSATION OVER A THREE-DAY PERIOD AT AN ISLOATED ISLAND RESORT A WARM RAPPORT WAS DEVELOPED WITH FOREIGN MINISTER TACK, WHO WAS ACCOMPANIED BY THE PANAMANIAN AMBASSADOR AT WASHINGTON. THE COUNTRY DIRECTOR FOR PANAMA, WHO IS MY DEPUTY FOR THESE NEGOTIATIONS, ACCOMPANIED ME.

THE RAPPORT PERMITTED AN EXLORATION OF "PRINCIPLES" IN THE COURSE OF WHICH THE PANAMANIAN SPOKE SOFTLY AND MODERATELY; SPECIFICALLY RECOGNIZED THE STRATEGIC IMPORTANCE OF THE CANAL TO THE UNITED STATES; AND URGED ON US ONLY THE CREATION OF A RELATIONSHIP IN WHICH BOTH COUNTRIES CAN LIVE TOGETHER AS FRIENDS RATHER THAN ADVERSARIES, "IN EQUAL DIGNITY" -- "THAT RELATIONSHIP TO STAND AS A MODEL FOR THE WORLD TO OBSERVE."

WE SEEM TO HAVE REACHED A LARGE MEASURE OF AGREEMENT ON EIGHT PRINCIPLES, WITH WHAT I JUDGE TO BE INCONSEQUENTIAL VARIATIONS FROM THE TEXT OF THE U.S. VERSION OF NUMBERS 1 THROUGH 7 WHICH YOU RECENTLY APPROVED. IN THE CASE OF NUMBER 8, RELATING TO AN OPTION FOR THE U.S. TO EXPAND THE CANAL, WE FOUND RESISTANCE AS WE EXPECTED, BUT IT APPEARS WE SHALL BE ABLE TO WORK OUT LANGUAGE ACCEPTABLE TO BOTH SIDES. THE MINISTER WAS GOOD ENOUGH TO SAY THAT HIS GOVERNMENT "RECOGNIZED THAT THE U.S. HAS MADE A GREAT EFFORT TO ACCOMMODATE TO PANAMA'S POSITIONS IN ALL THE PRINCIPLES BUT ESPECIALLY PRINCIPLE NUMBER 4."

MY DEPUTY WILL REMAIN HERE FOR AN EXTRA DAY TO WORK OUT A MORE PRECISE WORDING OF THE TEXT. IT IS OF COURSE FULLY UNDERSTOOD THAT THE LANGUAGE AGREED UPON IS AD REFERENDUM TO PRIN-
SECRET

PAGE 03 STATE 236182

CIPALS IN BOTH GOVERNMENTS, BUT I AM CONFIDENT WHATEVER TACK NOW AGREES TO TORRIJOS WILL ALSO. I TRUST THE DEPARTMENTS OF STATE AND DEFENSE CAN CONCUR QUICKLY IN A RECOMMENDATION THAT YOU APPROVE THESE REVISED PRINCIPLES.

THE PANAMANIAN WERE ASTONISHED AND PLEASED AT MY OFFER, BASED ON YOUR AUTHORIZATION, TO TRY TO TURN THIS AGREEMENT INTO A JOINT DECLARATION OF THE TWO PRESIDENTS, AND I SUGGEST WE TRY TO MOVE ALONG THAT COURSE PROMPTLY. IN ORDER NOT TO BE REPETITIVE OF THE 1965 DECLARATION I WOULD OPT FOR A QUITE BRIEF PREAMBULAR STATEMENT FOR THE 1973 ONE, AND WILL ATTEMPT SO TO PERSUADE THE PANAMANIAN. I WILL HAVE A TEXT TO PROPOSE TO YOU FOR NEGOTIATION WITH THE PANAMANIAN ON MY RETURN.

I SHOULD ADD THAT I TAKE THE PANAMANIAN'S SUBSTANTIAL ACQUIESCENCE IN OUR VERSION OF PRINCIPLES TO BE INDICATIVE OF A NEGOTIATING FLEXIBILITY THE U.S. HAS NOT BEFORE OBSERVED. TO BE SURE, THESE PRINCIPLES MASK SIGNIFICANT DIFFERENCES BETWEEN US, BUT PERHAPS RESOLUTION OF THEM WILL NOW BE SOMEWHAT EASIER. INDEED, GENERAL TORRIJOS OBSERVED TO ME THAT "THERE ARE NO 'NON-NEGOTIABLE' TREATY ISSUES." I DOUBT THAT IS ALTOGETHER TRUE, BUT HIS STATEMENT MAY REFLECT A NEW MOOD THAT IS WELCOME.

II.

THE GENERAL "DROPPED IN" AT THE ISLAND ON THE LAST DAY OF OUR SOJOURN THERE. FOR THE FIRST HOUR OF SERIOUS CONVERSATION HE EXCLUDED THE FOREIGN MINISTER AND THE AMBASSADOR AND WAS ACCOMPANIED ONLY BY THE NATIONAL GUARD SECOND-IN-COMMAND, BUT MY DEPUTY WAS ASKED TO PARTICIPATE. THEREAFTER WE TALKED CASUALLY WITH A LARGE GROUP, THEN TOOK A HELICOPTER TOUR OF THE PROVINCES TOGETHER.

TORRIJOS SEEMED MOST PLEASED AT THE CONCEPT OF A DECLARATION OF PRINCIPLES. YET CLEARLY IT IS NOT THE SORT OF BIRD-IN-HAND NEGOTIATING PROGRESS WHICH HE HAS BEEN UNABLE TO SHOW HIS PEOPLE DURING HIS 5-YEAR TENURE, AND WHICH HE BELIEVES HE NEEDS TO SHOW THEM BEFORE JANUARY 9. YOU WILL RECALL THAT IS THE TENTH ANNIVERSARY OF THE 1964 RIOTS HERE WHICH OCCASIONED AMERICAN AND PANAMANIAN FATALITIES.

SECRET

PAGE 04 STATE 236182

HE WAS NEITHER MENACING NOR BOMBASTIC IN EXPRESSING HIS NEED. HE SAID THAT WHILE HE THOUGHT HE COULD CONTAIN THE SITUATION IN JANUARY HE COULD NOT ABSOLUTELY GUARANTEE TO DO SO; THAT HE DID NOT WANT TO RUN ANY RISK AT ALL OF DIFFICULTIES IN THAT PERIOD, SINCE THEY WOULD DO DAMAGE IRREPARABLE FOR MANY YEARS TO THE U.S.-PANAMA RELATIONSHIP; AND THAT HE WOULD APPRECIATE OUR HELP. SINCE I HAD ALREADY BECOME PERSUADED THAT SOME TANGIBLE GESTURE TO HIM IS DISTINCTLY IN OUR INTERESTS, I TOLD HIM -- AS YOU HAD TOLD THE FOREIGN MINISTER IN NEW YORK -- THAT WE UNDERSTOOD HIS DOMESTIC PROBLEM, AND VOLUNTEERED TO SEE WHAT MIGHT BE DONE. I ADDED WE WERE OF COURSE GRATIFIED THAT HE HAD BEEN ABLE TO MAINTAIN PEACEFUL CONDITIONS VIS-A-VIS THE U.S. PRESENCE IN THE CANAL ZONE SINCE HE ASSUMED POWER.

AS FOR THE LONGER-RANGE FUTURE, TORRIJOS SAID THERE HAD ALREADY BEEN TOO MANY EXTRA NEGOTIATING INNINGS, AND I AGREED, SAYING I HAD PLAYED IN THE FIRST ONE IN 1964 AND WANTED VERY MUCH TO PLAY OUT THE LAST.

THIS MAN IS WARY OF SENIOR AMERICAN OFFICIAL VISITORS. OVER THE LAST FIVE YEARS MANY HAVE COME HERE TO LURE HIM WITH VAGUE PROMISES INTO SOME FORM OF ENTRAPMENT, HE SAID IN EFFECT. STILL, I THINK WE GOT ALONG WELL. HE MADE SOME MENTION OF THE FACT

THAT HE HAD COMPLETELY LOST FAITH IN THE NEGOTIATIONS BUT IT HAD BEEN RESTORED BY YOUR DESIGNATION OF ME TO ENGAGE WITH HIM RATHER THAN THE VIET CONG. SINCE HE TAKES THAT AS A COMPLIMENT I DID NOT TRY TO INSIST THAT WE DO NOT REGARD HIM AS THE ENEMY. THERE ARE REPORTS THAT HE WAS ALSO ASTONISHED AND PLEASED AT THE INDICATION I WOULD BE PREPARED TO VISIT PANAMA AGAIN THIS MONTH WERE I ABLE TO BRING FIRM DECISIONS HELPFUL TO HIM AND TO THE U.S. WITH ME. SUBSEQUENTLY HE SENT A "BACK CHANNEL" MESSAGE INDICATING HE LIKED WHAT HE HAD HEARD FROM ME (TEXT TO REPORTED SEPARATELY. I SENT A RETURN MESSAGE IN SOMEWHAT THE SAME VEIN.

III.

ON THE MATTER OF A TANGIBLE GESTURE FOR TORRIJOS, I SENSE THAT IT SHOULD BE MEANINGFUL RATHER THAN PATENTLY COSMETIC, AND ACCORDINGLY PROPOSE THAT YOU ASK THE PRESIDENT, WITH DEPARTMENT OF DEFENSE CONCURRENCE, TO ANNOUNCE HIS INTENTION TO
SECRET

PAGE 05 STATE 236182

SEEK ENACTMENT OF LEGISLATION TRANSFERRING BOTH TITLE AND JURISDICTION TO PANAMA OVER TWO PIECES OF CANAL ZONE LAND. THESE ARE TWO AIRSTRIPS CALLED "OLD FRANCE FIELD" AND "NEW FRANCE FIELD."

THESE WE NO LONGER REQUIRE FOR OPERATION AND DEFENSE OF THE CANAL AND, AS I HAVE SEEN, ARE ABANDONED. PANAMA WOULD PROFIT FROM THEM SIGNIFICANTLY IN ECONOMIC TERMS SINCE THEY WOULD PERMIT A BADLY-NEEDED EXPANSION OF A THRIVING FREE PORT ENTERPRISE. AND THE POLITICO-PSYCHOLOGICAL PROFIT WOULD ALSO BE SIGNIFICANT IN THAT TORRIJOS COULD TELL HIS PEOPLE THE U.S. IS AT LAST BEGINNING THE MOVE TOWARD A MODERNIZED RELATIONSHIP BY GIVING BACK PROPERTIES IT NO LONGER REQUIRES TO DO ITS BASIC JOB IN PANAMA -- RUN AN INTERNATIONAL UTILITY, NOT A SOVEREIGN ENCLAVE.

THE U.S. WOULD PROFIT SINCE TRANSFER OF THESE TWO PIECES OF LAND WOULD NOT ONLY SATISFY TORRIJOS' NEED FOR A TANGIBLE GESTURE (AND, I AM TOLD BY HIS CONFIDANTS, SATISFY HIM MORE THAN ANY OTHER GESTURE), BUT WOULD ALSO CONTRIBUTE MEASURABLY TO SMOOTHING THE NEGOTIATING PATH. CERTAINLY I DO NOT BELIEVE WE NEED THESE LANDS AS "BARGAINING CHIPS" IN THE NEGOTIATIONS, NOR WOULD I WISH TO TRY TO OBTAIN ANYTHING FROM PANAMA IN EXCHANGE FOR THEM SAVE A FURTHER PERIOD OF TRANQUILITY IN WHICH TO WORK OUT A FINAL SETTLEMENT.

MOREOVER, SUCH A TRANSFER WOULD BEGIN TO CUT THE GROUND OUT FROM UNDER INTERNATIONAL CRITICS OF OUR "COLONIALIST" POSTURE IN PANAMA, AND I THINK WOULD BE REGARDED BY THE LATIN AMERICANS AS A MOVE IN THE DIRECTION OF A MORE MATURE PARTNERSHIP WITH PANAMA DERIVING DIRECTLY FROM THE NEW DIALOGUE YOU HAVE PROPOSED.

FINALLY, I JUDGE FROM MY CONSULTATIONS WITH KEY MEMBERS OF THE CONGRESS JUST PRIOR TO THIS TRIP THAT, THOUGH WE MIGHT MEET

OPPOSITION FROM THE CONGRESSIONAL HARD-LINERS LIKE FLOOD AND THURMOND, THE MODERATES WOULD PREVAIL. PEOPLE LIKE SULLIVAN AND LEGGETT SHOULD OF COURSE BE CONSULTED IN ADVANCE, AND I WOULD VERY MUCH HOPE THAT SECRETARY SCHLESINGER, THE JOINT CHIEFS, AND SECRETARY CALLAWAY WOULD SUPPORT ME IN SUCH CONSULTATIONS. I BELIEVE IN FACT THAT THERE WILL BE NO EROSION, BUT RATHER A REINFORCEMENT, OF OUR POSITION HERE IN CONSEQUENCE OF THESE TRANSFERS. DEFENSE MAY DESIRE THAT WE SEEK EMERGENCY LANDING

SECRET

PAGE 06 STATE 236182

RIGHTS AT NEW FRANCE FIELD AGAINST THE CONTINGENCY THAT THE FORT SHERMAN STRIP MIGHT BE CLOSED, AND THAT I WOULD OF COURSE BE PREPARED TO DO.

AS FOR THE NSC-IG/ARA STUDY OF THE PANAMA PROBLEM NOW BEFORE THE UNDER SECRETARIES COMMITTEE AND AWAITING MY RECOMMENDATIONS, I NATURALLY CANNOT ADDRESS MYSELF WITH ANY AUTHORITY TO THE OVERALL OPTIONS A THROUGH D ON THE BASIS OF ONE VISIT TO PANAMA. I DO STRONGLY RECOMMEND, HOWEVER, THAT THE USC CHAIRMAN SEEK THE TELEPHONIC APPROVAL OF HIS COLLEAGUES FOR REMOVING THE OLD FRANCE FIELD TRANSFER FROM THE STUDY'S PURVIEW AND OFFERING TO TRANSFER IT AND NEW FRANCE FIELD. I WOULD ALSO SUPPORT THE CANAL ZONE GOVERNOR'S DESIRE THAT LEGISLATION BE SOUGHT TO PERMIT PANAMA'S LOTTERY TO OPERATE IN THE ZONE. THE THREE WOULD CONSTITUTE A SATISFYING PACKAGE FOR GENERAL TORRIJOS AT NO COST I CAN PERCEIVE, AND MARKED BENEFIT I CAN PERCEIVE, TO THE U.S. FURTHERMORE, PRESENTATION OF SUCH A PACKAGE WOULD ACCOMMODATE THE CANAL ZONE GOVERNOR'S LEGITIMATE DESIRE THAT WE NOT DO THINGS IN A PIECEMEAL FASHION WHICH WOULD EXACERBATE AN EXISTING MORALE PROBLEM AMONG CANAL ZONE RESIDENTS.

FOR THIS GESTURE TO BE USEFUL, THE ANNOUNCEMENT OF THE INTENTION TO SEEK A PACKAGE OF LEGISLATION SHOULD BE MADE FROM THE WHITE HOUSE BEFORE JANUARY 1, PREFERABLY WITHIN THE NEXT TWO OR THREE WEEKS SO THAT WHATEVER CREDIBILITY AND TRUST WITH THE GENERAL I HAVE ALREADY ESTABLISHED CAN BE CONFIRMED SHORTLY AFTER MY VISIT HERE. SUCH A PROMPT ANNOUNCEMENT, PLUS A DECLARATION OF PRINCIPLES BEFORE THE YEAR'S END IF WE CAN ACHIEVE HIGHEST-LEVEL ACCORD, MIGHT AT MOST CATALYZE A RATHER SPEEDIER CONCLUSION OF A NEW TREATY ARRANGEMENT THAN WE HAVE HERETOFORE ENVISAGED. AT LEAST IT WOULD SUSTAIN THE NEGOTIATION MOMENTUM I BELIEVE WE HAVE INITIATE.

TWO FINAL COMMENTS ON THE LAND TRANSFERS. FIRST, I HAVE REASON TO BELIEVE THAT IF THE PANAMANIAN KNEW THE LEGISLATION WERE PENDING, THEY WOULD BE WILLING TO ACCEPT WHAT WE HAD PREVIOUSLY OFFERED THEM -- USE OF THE LANDS, BUT UNDER U.S. JURISDICTION, UNTIL THE ACTUAL TRANSFER. I RECOMMEND WE RENEW THAT OFFER AT THE TIME THE WHITE HOUSE ANNOUNCEMENT IS MADE, PARTLY TO ENHANCE THE GESTURE BUT MORE IMPORTANTLY BECAUSE I WANT TO BEGIN GUIDING THE PANAMANIAN INTO RECOGNITION OF THE

SECRET

PAGE 07 STATE 236182

VALUE TO THEM AS WELL AS TO US OF
"TRANSITIONAL ACCOMMODATIONS" ON A VARIETY OF MATTERS IN THE
PERIOD BEFORE A NEW TREATY IS SIGNED.

SECOND, THERE IS EVIDENTLY AN ANTIQUE LEGAL DELEGATION OF
AUTHORITY FROM THE PRESIDENT TO THE CANAL ZONE GOVERNOR TO
CONCLUDE AGREEMENTS WITH THE REPUBLIC OF PANAMA RESPECTING
CHANGES RELATING TO THE U.S. PRESENCE IN THE ZONE. SINCE THE
ANAMANIAN WILL NOT CONCLUDE AGREEMENTS OF ANY KIND WITH THE
INCUMBENT OF A POSITION THEY ADAMANTLY REFUSE TO RECOGNIZE AS
EXISTING, WE SHOULD ARRANGE BY EXECUTIVE ORDER TO DELEGATE
THAT AUTHORITY TO THE SECRETARY OF STATE, THE CUSTOMARY SIGNATORY
OF ACCORDS WITH FOREIGN STATES.

IV.

I HAVE COME AWAY FROM THIS VISIT WITH SEVERAL IMPRESSIONS OF
SOME GENERAL INTEREST.

(1) THE INFORMAL NEGOTIATING STYLE WHICH WE INSISTED BE
ADOPTED HAS PROVED TO BE EFFECTIVE, AND I AM REASONABLY CONFIDENT
THE PANAMANIAN WILL ADHERE TO IT. TORRIJOS TOLD ME THAT WHILE HE
HIMSELF "IS RESPONSIBLE FOR ALL POINTS IN THE CONVERSATIONS, TACK
WILL REPRESENT HIM IN THE CONVERSATIONS AND HE HAS CONFIDENCE IN
TACK." HE ALSO SAID "ANY TREATY TACK WRITES I KNOW I CAN SELL TO
MY PEOPLE."

(2) THE PANAMANIAN MAY BE GRADUALLY, IF RELUCTANTLY,
COMING TO ACCEPT THAT, FOR THE U.S. TO OPERATE AND DEFEND THE
WATERWAY EFFECTIVELY, AS THEY DESIRE US TO DO, WE MUST RETAIN
SOME BASIC PREROGATIVES WHICH FALL INTO THE CATEGORY OF
"JURISDICTION." WE REFRAINED FROM PROBING ON THIS POINT, PRE-
FERRING TO AWAIT THE MORE PROPITIOUS CLIMATE THAT WILL FOLLOW
FROM OUR GESTURES. THE ISSUE OF DURATION, I SENSE, IS THE TRUE
STICKING POINT. MUCH MIGHT FALL INTO PLACE WERE IT RESOLVED MORE
FAVORABLY TO THE PANAMANIAN THAN WE PRESENTLY CONTEMPLATE.

(3) WE SHOULD NOT DENIGRATE THE IMPORTANCE OF COSMETICS IN
MANAGING THE PANAMA PROBLEM. AS ELSEWHERE IN THE DEVELOPING
WORLD, BUT REMARKABLY IN THE CASE OF PANAMA, NATIONAL PRIDE IS A
FORCE FAR GREATER THAN REASON. IN THE MEASURE WE CAN DO THINGS TO
SECRET

PAGE 08 STATE 236182

INCREASE THE PRIDE AND SENSE OF DIGNITY OF THESE PEOPLE, AT SOME
INCONVENIENCE BUT LITTLE IF ANY REAL COST TO OURSELVES, WE
LESSEN THEIR RESISTANCE TO PERMITTING US TO RETAIN THE RIGHTS
AND PROPERTIES CRITICAL TO US.

(4) IT IS TIME WE BEGAN SHEDDING RIGHTS AND PROPERTIES IN THE

ZONE WE NO LONGER REQUIRE FOR THE BASIC TECHNICAL OPERATION AND PROTECTION OF THIS WATERWAY, AND FOR WHICH WE HAVE NO NEED IN THE NEGOTIATING PROCESS. IN FACT SUCH A COURSE WOULD SPEED THE PROCESS AND GUID IT IN A DIRECTION PROTECTIVE OF OUR CRITICAL INTERESTS.

(5) THERE IS SOMETHING APPROXIMATING EUPHORIA ON THE PANAMANIAN'S PART AS A RESULT OF OUR TALKS THIS WEEK, I AM TOLD BY OUR PEOPLE HERE. THOUGH IT WILL NATURALLY TEND TO SUBSIDE, I WOULD HOPE ALL USG REPRESENTATIVES INVOLVED IN PANAMA MATTERS CAN BE ESPECIALLY ALERT TO AVOIDING CONTRETEMPS WHICH WOULD HASTEN THAT PROCESS, PARTICULARLY AS WE WORK SWIFTLY TO PREPARE GESTURES FOR PANAMA. I SHOULD ADD THAT EXCESSIVE EXPECTATIONS DO NOT SEEM TO BE ACCOMPANYING THE EUPHORIA -- IT IS SIMPLY A CASE OF LONG-DISHEARTENED PEOPLE BEING EXTREMELY GLAD THAT THERE IS AT LAST A DECENT CLIMATE FOR FORWARD MOVEMENT.

V.

AS WAS TO BE EXPECTED, PANAMA CITY IS RIFE WITH SPECULATION OVER THE RESULTS OF THE FOREIGN MINISTER'S AND MY RETREAT ON THE ISLAND, AND AMERICAN AND OTHER PRESS REPRESENTATIVES HAVE BEEN PRESSING US HARD. TO GIVE THEM SOMETHING, YET NOT SUBJECT OURSELVES TO QUESTIONING WHICH COULD ONLY ELICIT UNRESPONSIVENESS ON OUR PART AND MISINTERPRETATIONS ON THEIRS, I PROPOSED AND THE PANAMANIAN'S AGREED THAT WE ISSUE A BRIEF, BLAND JOINT COMMUNIQUE. THE TEXT -- WHICH THEY DRAFTED AND WE FOUND WE COULD ACCEPT -- WILL BE REPORTED SEPARATELY.

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